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5 Counsel for FRED HJELMESET,  
6 Trustee in Bankruptcy

7  
8 UNITED STATES BANKRUPTCY COURT  
9 NORTHERN DISTRICT OF CALIFORNIA  
10 SAN JOSE DIVISION

11 In re

12 EVANDER FRANK KANE,  
13 Debtor.

Case No. 21-50028 SLJ  
Chapter 7  
Hon. Stephen L. Johnson

**REQUEST FOR ENTRY OF ORDER  
AUTHORIZING TRUSTEE TO:  
(I) SELL REAL PROPERTY;  
(II) PAY LIENS, COSTS OF SALE,  
REAL ESTATE COMMISSION  
AND TAXES; AND  
(III) PAY DEBTOR HIS HOMESTEAD  
EXEMPTION  
(2301 Richland Avenue, San Jose, CA 95125)**

[No Hearing Requested]

21  
22 Fred Hjelmset, Chapter 7 Trustee in Bankruptcy ("Trustee") of the estate of the above-  
23 named Debtor, respectfully represents:

24 1. On August 30, 2021, the Trustee served on parties on the limited service list <sup>1</sup> a  
25 Notice and Opportunity for Hearing on Motion to: (I) Sell Real Property, Subject to Overbid; (II)  
26 Pay Liens, Costs of Sale, Real Estate Commission and Taxes; and (III) Pay Debtor His Homestead

27  
28 <sup>1</sup> Notice was limited in this case by an order entered July 30, 2021 entitled "Order Pursuant to Bankruptcy Rule 2002(h)  
Designating Recipients of Notices Required Under 2002(a)," Docket 194

1 Exemption (2301 Richland Avenue, San Jose, CA 95125) [Docket 210] (“Notice”), as evidenced  
2 by the Certificate of Service / Declaration of Mailing [Docket 211].

3 2. Also on August 30, 2021, the Trustee filed his Motion to: (I) Sell Real Property,  
4 Subject to Overbid; (II) Pay Liens, Costs of Sale, Real Estate Commission and Taxes; and (III) Pay  
5 Debtor His Homestead Exemption (2301 Richland Avenue, San Jose, CA 95125) [Docket 209].

6 3. The time period within which to file objections or requests for hearing has passed.  
7 As set forth in the concurrently filed Declaration of Gregg S. Kleiner, this office has not received  
8 any objections or requests for hearing, and no objections or requests for hearing have been filed with  
9 the Bankruptcy Court.

10 4. The Notice provided parties with the opportunity to submit overbids. An overbid was  
11 received by the September 3, 2021 deadline. On September 7, 2021, the Trustee held an auction, at  
12 which time Iosefa Maria Carmen Maiorean and George Chiciooreanu (collectively, the “Buyer”)  
13 submitted an overbid in the amount of \$3,430,000. Subject to Court approval, the Trustee accepted  
14 the Buyer’s offer.

15 5. The Trustee has entered into a California Residential Purchase Agreement and Joint  
16 Escrow Instructions, along with a Seller’s Counter-Offer to Purchase Contract (“Agreement”) with  
17 the Buyer. True and correct copies of the Agreement are attached as Exhibit A to the Declaration of  
18 Gregg S. Kleiner.

19 WHEREFORE, the Trustee requests the entry of an Order authorizing him to sell the real  
20 property commonly referred to as 2301 Richland Avenue, San Jose, CA 95125 to the Buyer for  
21 \$3,430,000, and otherwise consummate the sale of the Property as provided by the Notice.

22  
23 DATED: September 21, 2021 RINCON LAW LLP

24  
25 By: /s/ Gregg S. Kleiner  
26 GREGG S. KLEINER  
27 Counsel for FRED HJELMESET,  
28 Trustee in Bankruptcy